

[7th March, 2001]

RAJYA SABHA

**Amendment to Arbitration and Conciliation Act**

**1051. SHRI RAVI SHANKAR PRASAD:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that Government are planning to amend the Arbitration and Conciliation Act to provide for speedier disposal of cases but keeping strict supervision by court in case involving resolutions of disputes between domestic companies;

(b) whether it is also a fact that a workshop was organised by Law Commission recently at Mumbai to work out guidelines that could be prescribed for fixation of fees of arbitrators and special code of ethics to govern arbitrators and lawyers; and

(c) if so, the details of the proposed provisions and the conclusions which came out during the workshop?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY):** (a) No, Sir.

(b) and (c) The Law Commission of India had organised a National Seminar on Review of Working of Arbitration and Conciliation Act, 1996 on 17.2.2001 at Mumbai in collaboration with the Indian Merchant Chambers to elicit views of the public on this subject. The Law Commission issued a Consultation Paper in this connection. However, their recommendations on the subject have not been received as yet.

**Reservation for women lawyers as judges of High Courts and Supreme Court**

**1052. DR. ALLADI P. RAJKUMAR:**

**SHRI SOLIPETA RAMACHANDRA REDDY:**

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether there is a proposal to reserve posts for women lawyers as judges of High Courts and Supreme Court;

(b) if so, the details thereof; and

(c) if not, the action taken for giving a fair representation to women in the appointment of Judges?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY):** (a) to (c) Appointment of Judges of the Supreme Court of India and the High Courts is made under articles 124 and 217 of the Constitution of India respectively which do not provide for reservation for any caste or class of persons. Currently there is no proposal under the consideration of the Government to reserve posts for women lawyers for appointment as Judges of the Supreme Court of India and the High Courts.

The Government have, however, addressed letters to the Chief Ministers of the States and the Chief Justices of the High Courts, from time to time, requesting them to locate persons from the Bar belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women who are suitable for appointment as High Court Judges.

#### **Delay in hearing of court cases**

**†1053. DR. D. MASTHAN:**

**SHRI KAPIL SIBAL:**

**Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:**

- (a) whether Government have identified the reasons for delay in hearing of court cases;
- (b) if so, the reasons therefor;
- (c) whether steps have also been taken by Government to address this problem; and
- (d) if so, the details thereof?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY):** (a) and (b) The delay in hearing of cases in courts is due to various complex factors. These include vacant posts of judges, frequent adjournment, lawyers, strike etc.

(c) and (d) Various steps have been taken by the Government and the Judiciary to speed up the disposal of cases such as filling up of vacancies of judges, simplification of rules and procedures on the basis of the advice and recommendations of expert bodies, like the Law Commission, the Malimath Committee etc.

The Code of Civil Procedure (Amendment) Act 1999, *inter alia*, stipulates that adjournments shall not be granted more than three times to a party during the hearing of the suit. The relevant amendments are awaiting notification.

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†Original notice of the Question was received in Hindi.